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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,265	02/22/2002	Mark Itwaru	SAB-028	9838
36822	7590	09/30/2005	EXAMINER	
GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,265

Applicant(s)

ITWARU, MARK

Examiner

Charlie C. Agwumezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/02, 9/25/03, 6/30/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 and 18-21, are rejected under 35 U.S.C. 102(b) as being anticipated by Apte U.S. Patent No. 5,778,173.

1. As per **claim 1**, Apte discloses a method for enhancing security of network transactions, comprising:

receiving, over a public Internet, information relating to a pending transaction between a vendor server and a client (col. 3, lines 39-59);

sending a message addressed to said client over said public Internet with a set of computer readable instructions having transaction-specific information, said set of computer readable instructions comprising access instructions for connecting said client to a transaction server system on a private network such that sensitive information relating to said transaction is directed to said transaction server system (col. 3, lines 39-67; col. 4, lines 1-25, 30-43).

2. As per **claim 2**, Apte further discloses the method further comprising:

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provisioning said set of computer readable instructions with said transaction-specific information prior to said sending (col. 1, lines 45-67; col. 4, lines 1-25).

3. As per **claim 3**, Apte further discloses the method further comprising:
receiving a transaction identifier and private network access information from said transaction server system; and wherein said provisioning comprises provisioning said set of computer readable instructions with said transaction identifier and said private network access information (col. 1, lines 45-67; col. 4, lines 30-44).

4. As per **claim 4**, Apte further discloses the method wherein said information relating to a pending transaction comprises a vendor identifier, said transaction identifier, and a purchase amount (col. 1, lines 45-65).

5. As per **claim 5**, Apte further discloses the method wherein said private network access information comprises a flat rate telephone number (col. 3, lines 39-59).

6. As per **claim 6**, Apte further discloses the method wherein said private network access information comprises a fixed charge per minute telephone number and a number of minutes (col. 3, lines 39-59).

7. As per **claim 7**, Apte further discloses the method wherein said sending comprises sending a location of said set of computer readable instructions (col.4, lines

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8-29).

8. As per **claim 8**, Apte further discloses the method wherein said location is a universal resource locator ("URL") (col. 4, lines 8-29).

9. As per **claim 9**, Apte further discloses the method wherein said location of said set of computer readable instructions is sent to one of said vendor server and said client (col.3, lines 39-59).

10. As per **claim 10**, Apte further discloses the method wherein said set of computer readable instructions comprise a first code segment which, when loaded into a processor of said client, cause said client to access said transaction server system on said private network (col. 3, lines 15-27; col. 4, lines 8-29).

11. As per **claim 11**, Apte further discloses the method wherein said set of computer readable instructions comprise a second code segment which, when loaded into said processor of said client, cause said client to pass said transaction-specific information to said transaction server system (col. 1, lines 45-67; col. 3, lines 15-27; col. 4, lines 30-43).

12. As per **claim 12**, Apte further discloses the method wherein said message is a transaction message and further comprising, prior to said sending said transaction

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message, sending a set-up message with a set of computer executable instructions for determining resources of said client for connecting to said private network (col. 3, lines 15-27; col. 4, lines 44-55).

13. As per **claim 13**, Apte further discloses the method further comprising receiving an indication of resources of said client and wherein said provisioning is based, in part, on said indication of resources (col. 3, lines 15-27).

14. As per **claim 14**, Apte further discloses the method wherein said set of computer readable instructions further comprises instructions for determining resources of said client for connecting to said private network (col. 3, lines 15-27).

15. As per **claim 15**, Apte further discloses the method further comprising sending said information relating to a pending transaction to said transaction server system over a secure link prior to said receiving a transaction identifier and private network access information (col. 1, lines 45-67).

16. As per **claim 16**, Apte further discloses the method wherein said information relating to a pending transaction further comprises a location of a data product which is subject of said pending transaction and access codes for use in accessing said data product (col. 4, lines 30-43, 56-63).

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18. As per **claim 18**, Apte further discloses the method wherein said receiving and said sending are performed at a web server and further comprising, at a transaction server system: receiving customer-sensitive information and transaction identification information consequent upon execution of said set of computer readable instructions at a client; selectively sending transaction approval information (col. 4, lines 30-43).

19. As per **claim 19**, Apte further discloses a computer-readable medium storing statements and instructions for use in the execution in a web server (col. 3, lines 15-25).

20. As per **claim 20**, A web server adapted for performing the method of claim 1 is an improper dependent claim as it recites no further limitation.

21. As per **claim 21**, Apte discloses a method for enhancing security of network purchase transactions, comprising:

receiving, over a public Internet, information relating to a pending purchase transaction between a vendor server and a client (col. 3, lines 39-59);

sending a message addressed to said client over said public Internet with a set of computer executable instructions for determining resources of said client for connecting to a private network (col. 3, lines 15-25).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Underwood
U.S. Patent 6704873 B1.

27. As per **claim 27**, Underwood discloses an internet service provider having a border gateway protocol table with an entry mapping at least one Internet Protocol address to a port connected to a private network (fig. 126).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 22-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte U.S. Patent No. 5,778,173 in view of Klingman U.S. Patent 5,729,594.

17. As per **claim 17**, Apte failed to disclose the method wherein said information relating to a pending transaction includes an internet protocol ("IP") address of said client and wherein said private network access information comprises an IP address which an internet service provider ("ISP") of said client maps to a port connected over said private network to said transaction server system.

Klingman discloses the method wherein said information relating to a pending transaction includes an internet protocol ("IP") address of said client and wherein said private network access information comprises an IP address which an internet service provider ("ISP") of said client maps to a port connected over said private network to said transaction server system (col. 18, lines 34-60).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Apte and incorporate the method wherein said information relating to a pending transaction includes an internet protocol ("IP") address of said client and wherein said private network access information comprises an IP address which an internet service provider ("ISP") of said client maps to a port connected over said private network to said transaction server system as taught by Klingman in order to show ensure that the correct client is communicating with the secure server.

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22 As per **claim 22**, Apte discloses a method for enhancing security of network transactions, comprising:

receiving information relating to a pending transaction over a secure link, said information including access information for a data product and

determining an appropriate chargeable telephone number based upon said purchase amount (col. 1, lines 45-67; col. 3, lines 39-59; col. 4, lines 56-64);

storing said a transaction identifier, said telephone number, and said access information (col. 4, lines 6-30); and

returning said transaction identifier and said telephone number over said secure link (col. 4, lines 6-30).

What Apte does not explicitly teach is a purchase amount

Klingman discloses a method for enhancing security of network transaction comprising a purchase amount (col. 10, lines 62-67+).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Apte and incorporate the method comprising purchase amount as taught by Klingman in order to show ensure that the correct amount is being paid.

23. As per **claim 23**, Apte failed to explicitly disclose the method further comprising:

receiving a telephone call made to said telephone number from a caller; during said call, receiving caller identity information; during said call, receiving said transaction

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identifier; storing said caller identity information with said transaction identifier; providing said access information to said data product to said caller.

Klingman discloses the method further comprising:

receiving a telephone call made to said telephone number from a caller; during said call, receiving caller identity information; during said call, receiving said transaction identifier; storing said caller identity information with said transaction identifier; providing said access information to said data product to said caller (col. 1, lines 38-50; col. 4, lines 20-40;).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Apte and incorporate the method of receiving a telephone call made to said telephone number from a caller; during said call, receiving caller identity information; during said call, receiving said transaction identifier; storing said caller identity information with said transaction identifier; providing said access information to said data product to said caller as taught by Klingman in order to show ensure that the correct caller is communicating with the transaction server.

24. As per **claim 24**, Apte further discloses the method wherein said telephone number is a flat rate number (col. 3, lines 39-59).

25. As per **claim 25**, Apte failed to explicitly disclose the method wherein said telephone number is a fixed charge per minute number and wherein said determining

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further comprises determining a number of minutes based on said purchase amount and storing said number of minutes.

Klingman discloses the method wherein said telephone number is a fixed charge per minute number and wherein said determining further comprises determining a number of minutes based on said purchase amount and storing said number of minutes (col. 11, lines 1-20).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Apte and incorporate the method wherein said telephone number is a fixed charge per minute number and wherein said determining further comprises determining a number of minutes based on said purchase amount and storing said number of minutes as taught by Klingman in order to show alternative method billing.

Claims 26, is rejected under 35 U.S.C. 103(a) as being unpatentable over Apte U.S. Patent No. 5,778,173 in view of Dent U.S. Patent Application Publication 2002/0066039.

26. As per **claim 26**, Apte discloses a computer readable medium storing computer-readable instructions which, when read by a client, cause the client to:

dial and establish a connection to a specific telephone number over a telephone network (col. 3, lines 39-55; col. 4, lines 7-44); send a transaction-specific identifier over said connection (col. 4, lines 30-44); receive a message over said connection with a

universal resource locator (URL) and password (col. 4, lines 8-25); drop said connection; connect to said URL over a public Internet (col. 6, lines 27-50).

What Apte does not explicitly teach is display said password.

Dent discloses a method that display password (0039; 0043)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Apte and incorporate the method that display said password as taught by Dent in order to show alternative method of implementation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany Street Alexandria VA.

acc

September 19, 2005

Shawn L. Lee
PRIMARY EXAMINER